

Express Mail No.: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Taylor et al.

Application No.: 09/724,620

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: Canella, K.

For: METHODS FOR THE
PREVENTION AND TREATMENT
OF CANCER USING ANTI-C3b(i)
ANTIBODIES (as amended)

Attorney Docket No.: 9426-048

**STATEMENT REGARDING PERMANENCE AND
AVAILABILITY OF DEPOSITED CELL LINE AND
CORROBORATION REGARDING DESCRIBED CELL LINE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, William M. Sutherland, declare and state:

1. That I am presently a professor at the University of Virginia and an inventor of the above-identified application.
2. It has come to my attention that on February 21, 2002, Dr. Leslie Casey, Senior Director of Research at EluSys Therapeutics, Inc., licensee of the above-identified application, on behalf of the University of Virginia Patent Foundation, Assignee of the above-identified application, forwarded the mouse hybridoma cell line C3bi-3E7-E7-B8 to the AMERICAN TYPE TISSUE CULTURE COLLECTION (ATCC), at 10801 UNIVERSITY BLVD., MANASSAS, VIRGINIA 20110-2209, USA, International Depository Authority, for deposit in compliance with the Budapest Treaty on the International

Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure. The deposit was viable at the time of deposit and has been assigned accession number ATCC No. PTA-4090. A copy of the Receipt from the ATCC regarding this deposit is attached to this Statement as Exhibit 1.

3. The University of Virginia Patent Foundation is the Assignee of the above-identified application by virtue of an Assignment from the inventors of the above-identified application to the University of Virginia, recorded at Reel 011888/Frame 0180 on June 7, 2001, and by virtue of an Assignment from the University of Virginia to the University of Virginia Patent Foundation, recorded at Reel 011888/Frame 0174 on June 7, 2001.

4. That in the course of my employment as a professor at the University of Virginia, prior to the filing date of the above-identified application, I participated in or supervised the production of the mouse hybridoma cell line C3bi-3E7-E7-B8. From the date of its production, I participated in or supervised the maintenance of the mouse hybridoma cell line C3bi-3E7-E7-B8 which was eventually deposited with the ATCC on February 21, 2002.

5. That on June 15, 2001, I delivered three vials of the mouse hybridoma cell line C3bi-3E7-E7-B8 along with instructions on how to cultivate and maintain the cell line to EluSys Therapeutics, Inc.

6. That I confirm and corroborate that the mouse hybridoma cell line C3bi-3E7-E7-B8 I delivered to EluSys Therapeutics, Inc. produces the monoclonal antibody 3E7 described in the specification of the above-identified application in Example 6 at pages 55-70 and in particular, page 57, lines 6-16, page 62, lines 23-30, and page 69, lines 26-28.

7. That it is my understanding that Dr. Casey at EluSys Therapeutics, Inc.

has supervised the culture, maintenance, and storage of the mouse hybridoma cell line C3bi-3E7-E7-B8 which was deposited on February 21, 2002 on behalf of the University of Virginia Patent Foundation with the ATCC.

8. I hereby declare further that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Date: 7/19/02

By:

William M. Sutherland
William M. Sutherland, Ph.D.
University of Virginia